

## NAME CHANGES



### ANDREWS LAW CENTER 2011

There are three methods for accomplishing a change of name:

- Adoption
- Marriage or divorce
- General name change

#### ADOPTION

In all cases of legal adoption of a child, the court where the proceedings are held may change the name of any child at the time of adoption. The name change must be included in and recorded with the adoption order. Any child who has been previously adopted by law, may change his or her name if the parents file a petition of name change on behalf of the child.

#### MARRIAGE OR DIVORCE

Normally an original marriage license or divorce order will permit you to obtain name changes on official documents, such as a driver's license, military identification card, financial and credit card accounts, etc.

Upon the granting of a final divorce, the party who assumed a new name upon marriage may request to discontinue using the married name. The court must change the party's name to either the name at the birth of the party or any other former name the party wishes to use. The change of name is made part of the final divorce decree.

#### GENERAL NAME CHANGE

Generally, the law recognizes the right of any person to adopt any name by which the person may become known and by which he/she may transact business, execute contracts, sue or be sued.

Anyone desiring to change his or her name may petition the district court in the county where he or she resides. The name change must not have an

illegal, fraudulent, or immoral purpose. The petition typically contains the following information:

- Your current full name;
- Your new, desired name;
- Your place of residence; and
- The reason you desire to change your name.

In Virginia, the petition must also include:

- The name of both parents, including the maiden name of the mother;
- The date and place of birth of the applicant;
- The applicant's felony conviction record;
- Whether the applicant is presently incarcerated or on probation; and
- Any former names of the applicant.

If the court determines the desired name change is proper and not detrimental to the interests of any other person, it will order the change to be made and record the proceedings in the court records.

Public notice of the petition for name change is required. Such notice requires publishing a legal insertion once a week in a newspaper of general circulation within the county where the petition was filed for a period of three weeks. The notice is considered complete on the last day of publication. Consult your county clerk of court for more information on the notice requirement and how to comply.

#### EFFECT OF A NAME CHANGE

A legal name change requires you to update all your military records, driver's license, and other forms of identification. Remember you will be required to present or submit a copy of the court order whenever making changes to official records.

This outline has been designed to give you a basic understanding of law on changing a legal name. If you have more specific questions make a Legal Assistance appointment by calling (301) 981-2042 or speak with a civilian attorney.